

COMMITTEE ON RULES OF PRACTICE AND PROCEDURE
OF THE
JUDICIAL CONFERENCE OF THE UNITED STATES
WASHINGTON, D.C. 20544

ANTHONY J. SCIRICA
CHAIR

PETER G. McCABE
SECRETARY

CHAIRS OF ADVISORY COMMITTEES

WILL L. GARWOOD
APPELLATE RULES

ADRIAN G. DUPLANTIER
BANKRUPTCY RULES

PAUL V. NIEMEYER
CIVIL RULES

W. EUGENE DAVIS
CRIMINAL RULES

MILTON I. SHADUR
EVIDENCE RULES

TO: Honorable Anthony J. Scirica, Chair
Standing Committee on Rules of Practice
and Procedure

FROM: Honorable Adrian G. Duplantier, Chair
Advisory Committee on Bankruptcy Rules

DATE: May 11, 2000

RE: Report of the Advisory Committee on Bankruptcy
Rules

I. Introduction

The Advisory Committee on Bankruptcy Rules met on March 9-10, 2000, in Key Largo, Florida. The Advisory Committee considered public comments regarding proposed amendments to the Bankruptcy Rules that were published in August 1999.

* * * * *

The Advisory Committee approved a preliminary draft of proposed amendments to Bankruptcy Rules 1004, 2004, 2014, 2015, 4004, 9014, and 9027, and new Bankruptcy Rule 1004.1. The Advisory Committee also approved a preliminary draft of proposed amendments to Official Form 1 (Voluntary Petition), and will present the Form and Rules proposals to the Standing Committee at its June 2000 meeting with a request that they be published for comment.

The Advisory Committee also discussed whether to support a proposal to require or encourage local courts to publish their local rules on the Internet accessible from a link from the website of the

Administrative Office of the United States Courts. The discussion noted that local rules often are effectively unpublished notwithstanding efforts to improve access to those rules. The Advisory Committee then approved a resolution to 1) urge each bankruptcy court to establish and maintain a website; 2) encourage each court to post its local rules on the website; and 3) establish a local rules link from the Administrative Office website to each local court's website.

* * * * *

Preliminary Draft of Proposed Amendments to Bankruptcy Rules 1004, 2004, 2014, 2015(a)(5), 4004, 9014, and 9027(a)(3), new Proposed Bankruptcy Rule 1004.1, and Proposed Amendments to Official Form 1.

1. Synopsis of Proposed Amendments:

- (a) Rule 1004 is amended to clarify that the rule implements § 303(b)(3)(A) of the Bankruptcy Code and is not intended to establish any substantive standard for the commencement of a voluntary case by a partnership.
- (b) Rule 1004.1 is added to set out the manner in which a case is commenced on behalf of an infant or an incompetent person. Proposed Rule 1004.1 is derived from Rule 17(c) F.R. Civ. P.
- (c) Rule 2004 is amended to clarify that an examination ordered under that rule may be held outside of the district in which the case is pending. The court where the examination will be held issues the subpoena, and

it is served in the manner provided in Rule 45 F.R. Civ. P., made applicable by Rule 9016. Moreover, the rule makes clear that an attorney authorized to practice either in the court in which the case is pending or in the court for the district in which the examination will be held may issue and sign the subpoena on behalf of the court for the district in which the examination will be held.

- (d) Rule 2014 is rewritten to make it conform more closely to the applicable provisions of the Bankruptcy Code. The rule also includes stylistic changes and sets out service requirements for the application.
- (e) Rule 2015(a)(5) is amended to conform to 28 U.S.C. § 1930(a)(6) which was amended in 1996.
- (f) Rule 4004(c) is amended to provide that the filing of a motion under § 707 of the Bankruptcy Code to dismiss a case postpones the entry of the discharge. Currently, only motions brought under § 707(b) postpone entry of the discharge.
- (g) Rule 9014 is amended to include Rule 7009 on pleading special matters, and Rule 7017 on real parties in interest, infants and incompetent persons, to the list of Rules applicable in contested matters. It is also amended to permit service of papers, other than the initial motion, under Rule 5(b) F.R. Civ. P. Subdivision (d) is added to clarify that in any matter presenting a disputed material issue of fact, an evidentiary hearing must be held at which the testimony of witnesses is taken under Rule 43(a) F. R.

Civ. P. Subdivision (e) is amended to address problems of local variation in procedures for the appearance of witnesses by requiring that the court provide a mechanism to enable attorneys to know whether the presence of a witness is necessary at any particular hearing.

- (h) Rule 9027(a)(3) is amended to clarify that the time limits for filing a notice of removal of a claim or cause of action apply to any claim or cause of action initiated after the commencement of a bankruptcy case, whether the bankruptcy case is still pending or has been suspended, dismissed, or closed.
- (i) Official Form 1 is the form of a voluntary petition, and it is amended to require the debtor to disclose ownership or possession of property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety.

2. *Text of Preliminary Draft of Proposed Amendments Submitted for Approval to Publish:*

**PROPOSED AMENDMENTS TO THE FEDERAL
RULES OF BANKRUPTCY PROCEDURE***

Rule 1004. ~~Partnership Petition~~ Involuntary Petition

Against a Partnership

1 ~~(a) VOLUNTARY PETITION. A voluntary petition may be~~
2 ~~filed on behalf of a partnership by one or more general~~
3 ~~partners if all general partners consent to the petition.~~
4 ~~(b) INVOLUNTARY PETITION; NOTICE AND~~
5 ~~SUMMONS. After filing of an involuntary petition under~~
6 ~~§ 303(b)(3) of the Code, (1) the petitioning partners or other~~
7 ~~petitioners shall cause forthwith a copy of the petition to be~~
8 ~~sent promptly send to or served serve on each general partner~~
9 ~~who is not a petitioner a copy of the petition; and (2) the~~
10 ~~clerk shall promptly issue forthwith a summons for service on~~

*New matter is underlined; matter to be omitted is lined through.

2 FEDERAL RULES OF BANKRUPTCY PROCEDURE

- 12 each general partner who is not a petitioner. Rule 1010
- 13 applies to the form and service of the summons.

COMMITTEE NOTE

Section 303(b)(3)(A) of the Code provides that fewer than all of the general partners in a partnership may commence an involuntary case against the partnership. There is no counterpart provision in the Code setting out the manner in which a partnership commences a voluntary case. The Supreme Court has held in the corporate context that applicable nonbankruptcy law determines whether authority exists for a particular debtor to commence a bankruptcy case. *See Price v. Gurney*, 324 U.S. 100 (1945). The lower courts have followed this rule in the partnership context as well. *See, e.g., Jolly v. Pittore*, 170 B.R. 793 (S.D.N.Y. 1994); *Union Planters National Bank v. Hunters Horn Associates*, 158 B.R. 729 (Bankr. M.D. Tenn. 1993); *In re Channel 64 Joint Venture*, 61 B.R. 255 (Bankr. S.D. Oh. 1986). Rule 1004(a) could be construed as requiring the consent of all of the general partners to the filing of a voluntary petition, even if fewer than all of the general partners would have the authority under applicable nonbankruptcy law to commence a bankruptcy case for the partnership. Since this is a matter of substantive law beyond the scope of these rules, Rule 1004(a) is deleted as is the designation of subdivision (b).

The rule is retitled to reflect that it applies only to involuntary petitions filed against partnerships.

Rule 1004.1. Petition for an Infant or Incompetent Person

1 If an infant or incompetent person has a representative,
2 including a general guardian, committee, conservator, or
3 similar fiduciary, the representative may file a voluntary
4 petition on behalf of the infant or incompetent person. An
5 infant or incompetent person who does not have a duly
6 appointed representative may file a voluntary petition by next
7 friend or guardian ad litem. The court shall appoint a guardian
8 ad litem for an infant or incompetent person who is a debtor
9 and is not otherwise represented or shall make any other order
10 to protect the infant or incompetent debtor.

COMMITTEE NOTE

This rule is derived from Rule 17(c) F.R. Civ. P. It does not address the commencement of a case filed on behalf of a missing person. *See, e.g., In re King*, 234 B.R. 515 (Bankr. D.N.M. 1999).

4 FEDERAL RULES OF BANKRUPTCY PROCEDURE

Rule 2004. Examination

1 (a) EXAMINATION ON MOTION. On motion of any party
2 in interest, the court may order the examination of any entity.

3 * * * * *

4 (c) COMPELLING ATTENDANCE AND PRODUCTION
5 OF DOCUMENTS ~~Documentary Evidence~~. The attendance
6 of an entity for examination and for the production of
7 ~~documentary evidence~~ documents, whether the examination is
8 to be conducted within or without the district in which the
9 case is pending, may be compelled ~~in the manner~~ as provided
10 in Rule 9016 for the attendance of a witness ~~witnesses~~ at a
11 hearing or trial. As an officer of the court, an attorney may
12 issue and sign a subpoena on behalf of the court for the district
13 is which the examination is to be held if the attorney is
14 admitted to practice in that court or in the court in which the
15 case is pending.

COMMITTEE NOTE

Subdivision (c) is amended to clarify that an examination ordered under Rule 2004(a) may be held outside the district in which the case is pending if the subpoena is issued by the court for the district in which the examination is to be held and is served in the manner provided in Rule 45 F.R. Civ. P., made applicable by Rule 9016.

The subdivision is amended further to clarify that, in addition to the procedures for the issuance of a subpoena set forth in Rule 45 F.R. Civ. P., an attorney may issue and sign a subpoena on behalf of the court for the district in which a Rule 2004 examination is to be held if the attorney is authorized to practice, even if admitted pro hac vice, either in the court in which the case is pending or in the court for the district in which the examination is to be held. This provision supplements the procedures for the issuance of a subpoena set forth in Rule 45(a)(3)(A) and (B) F.R. Civ. P. and is consistent with one of the purposes of the 1991 amendments to Rule 45, to ease the burdens of interdistrict law practice.

Rule 2014. Employment of a Professional Persons

- 1 ~~(a) APPLICATION FOR AN ORDER OF EMPLOYMENT.~~
2 ~~An order approving the employment of attorneys,~~
3 ~~accountants, appraisers, auctioneers, agents, or other~~
4 ~~professionals pursuant to § 327, § 1103, or § 1114 of the~~

6 FEDERAL RULES OF BANKRUPTCY PROCEDURE

5 ~~Code shall be made only on application of the trustee or~~
6 ~~committee. The application shall be filed and, unless the case~~
7 ~~is a chapter 9 municipality case, a copy of the application shall~~
8 ~~be transmitted by the applicant to the United States trustee.~~
9 ~~The application shall state the specific facts showing the~~
10 ~~necessity for the employment, the name of the person to be~~
11 ~~employed, the reasons for the selection, the professional~~
12 ~~services to be rendered, any proposed arrangement for~~
13 ~~compensation, and, to the best of the applicant's knowledge,~~
14 ~~all of the person's connections with the debtor, creditors, any~~
15 ~~other party in interest, their respective attorneys and~~
16 ~~accountants, the United States trustee, or any person~~
17 ~~employed in the office of the United States trustee. The~~
18 ~~application shall be accompanied by a verified statement of the~~
19 ~~person to be employed setting forth the person's connections~~
20 ~~with the debtor, creditors, any other party in interest, their~~

21 ~~respective attorneys and accountants, the United States~~
22 ~~trustee, or any person employed in the office of the United~~
23 ~~States trustee.~~

24 ~~(b) SERVICES RENDERED BY MEMBER OR~~
25 ~~ASSOCIATE OF FIRM OF ATTORNEYS OR~~
26 ~~ACCOUNTANTS. If, under the Code and this rule, a law~~
27 ~~partnership or corporation is employed as an attorney, or an~~
28 ~~accounting partnership or corporation is employed as an~~
29 ~~accountant, or if a named attorney or accountant is employed,~~
30 ~~any partner, member, or regular associate of the partnership,~~
31 ~~corporation or individual may act as attorney or accountant so~~
32 ~~employed, without further order of the court.~~

33 (a) APPLICATION FOR ORDER APPROVING
34 EMPLOYMENT. An application for an order approving the
35 employment of a professional person under § 327, § 1103, or

8 FEDERAL RULES OF BANKRUPTCY PROCEDURE

36 § 1114 of the Code shall be in writing and may be made only
37 by the trustee or committee. The application shall state:

38 (1) specific facts showing why the employment is
39 necessary;

40 (2) the name of the person to be employed and the
41 reasons for the selection;

42 (3) the professional services to be rendered;

43 (4) any proposed arrangement for compensation; and

44 (5) that, to the best of the trustee's or committee's
45 knowledge, the person to be employed is eligible under
46 the Code for employment for the purposes set forth in
47 the application.

48 (b) STATEMENT OF PROFESSIONAL. The application
49 shall be accompanied by a verified statement of the person to
50 be employed, made according to the best of that person's

51 knowledge, information, and belief, formed after an inquiry
52 reasonable under the circumstances, which shall state:

53 (1) that the person is eligible under the Code for
54 employment for the purposes set forth in the application;

55 (2) any interest that the person holds or represents that
56 is adverse to the estate;

57 (3) any interest, connection, or relationship that the
58 person has relevant to determining whether the person is
59 disinterested under § 101;

60 (4) any relationship the person has with the United
61 States trustee, or with any employee of the United States
62 trustee, for the region in which the case is pending;

63 (5) the information required to be disclosed under
64 § 329(a) if the professional is an attorney; and

65 (6) whether the person shared or has agreed to share any
66 compensation with any person, other than a partner,

10 FEDERAL RULES OF BANKRUPTCY PROCEDURE

67 employee, or regular associate of the person to be
68 employed, and if so, the details.

69 (c) SERVICE AND TRANSMITTAL OF APPLICATION.

70 (1) The applicant shall serve a copy of the application
71 on:

72 (A) the trustee;

73 (B) the debtor and the debtor's attorney;

74 (C) any committee elected under § 705 or appointed
75 under § 1102, or, if the case is a chapter 9 case or a
76 chapter 11 case and no committee of unsecured
77 creditors has been appointed, on the creditors
78 included on the list filed under Rule 1007(d); and

79 (D) any other entity as the court may direct.

80 (2) Unless the case is a chapter 9 case, the applicant shall
81 transmit a copy of the application to the United States
82 trustee.

83 (d) SERVICES RENDERED BY MEMBER OR
84 ASSOCIATE OF FIRM OF EMPLOYED PROFESSIONAL.

85 If the court approves the employment of an individual,
86 partnership, or corporation, any partner, member, or regular
87 associate of the individual, partnership, or corporation may act
88 as the person so employed, without further order of the court.

89 If a partnership is employed, a further order approving
90 employment is not required if the partnership has dissolved
91 solely because of the addition or withdrawal of a partner.

92 (e) SUPPLEMENTAL STATEMENT OF
93 PROFESSIONAL. Within 15 days after becoming aware of
94 any undisclosed matter that is required to be disclosed under
95 Rule 2014(b), a person employed under this rule shall file a
96 supplemental statement, serve a copy on each entity listed in
97 Rule 2014(c), and, unless the case is a chapter 9 case, transmit
98 a copy to the United States trustee.

The rule has been rewritten to make stylistic changes and to make it conform more closely to the applicable provisions of the Code. The rule directs professionals seeking court approval of their employment to disclose all information relevant to determining whether the person is “disinterested” as defined in § 101 of the Code. The rule requires the professional to undertake a reasonable inquiry under the circumstances to identify any facts relevant to that determination.

The rule does not address the standards that courts should apply in ruling on an application for employment of a professional.

1 (a) TRUSTEE OR DEBTOR IN POSSESSION. A trustee
2 or debtor in possession shall

* * * * *

4 (5) in a chapter 11 reorganization case, on or before the
5 last day of the month after each calendar quarter during
6 which there is a duty to pay fees under 28 U.S.C.
7 § 1930(a)(6), until a plan is confirmed or the case is
8 ~~converted or dismissed;~~ file and transmit to the United
9 States trustee a statement of ~~the~~ any disbursements made
10 during ~~such calendar~~ that quarter and ~~a statement of the~~
11 amount of the any fees payable under ~~required pursuant~~
12 to 28 U.S.C. § 1930(a)(6) ~~that has been paid for such~~
13 calendar that quarter.

14 * * * * *

COMMITTEE NOTE

Subdivision (a)(5) is amended to provide that the duty to file quarterly disbursement reports continues only so long as there is an obligation to make quarterly payments to the United States trustee under 28 U.S.C. § 1930(a)(6).

Other amendments are stylistic.

Rule 4004. Grant or Denial of Discharge¹

1 * * * * *

2 (c) GRANT OF DISCHARGE

3 (1) In a chapter 7 case, on expiration of the time fixed
4 for filing a complaint objecting to discharge and the time
5 fixed for filing a motion to dismiss the case under Rule
6 1017(e), the court shall forthwith grant the discharge
7 unless:

8 (A) the debtor is not an individual,

9 (B) a complaint objecting to the discharge has been
10 filed,

11 (C) the debtor has filed a waiver under § 727(a)(10),

¹ This draft reflects the amendments to Bankruptcy Rule 4004(c) that the Supreme Court promulgated on April 17, 2000. Those amendments will become effective on December 1, 2000, absent Congressional action to the contrary.

- 12 (D) a motion to dismiss the case under
13 ~~Rule 1017(c)~~ § 707 is pending;
- 14 (E) a motion to extend the time for filing a
15 complaint objecting to discharge is pending, or
- 16 (F) a motion to extend the time for filing a motion
17 to dismiss the case under Rule 1017(e) is pending, or
- 18 (G) the debtor has not paid in full the filing fee
19 prescribed by 28 U.S.C. § 1930(a) and any other fee
20 prescribed by the Judicial Conference of the United
21 States under 28 U.S.C. § 1930(b) that is payable to
22 the clerk upon the commencement of a case under
23 the Code.

24 * * * * *

COMMITTEE NOTE

Subdivision (c)(1)(D) is amended to provide that the filing of a motion to dismiss under § 707 of the Bankruptcy Code postpones the entry of the discharge. Under the present version of the rule, only

motions to dismiss brought under § 707(b) caused the postponement of the discharge. This amendment would change the result in cases such as *In re Tanenbaum*, 210 B.R. 182 (Bankr. D. Colo. 1997).

Other amendments to the rule are stylistic.

Rule 9014. Contested Matters

- 1 ~~(a) MOTION.~~ In a contested matter ~~in a case under the~~
2 ~~Code~~ not otherwise governed by these rules, relief shall be
3 requested by motion, and reasonable notice and opportunity
4 for hearing shall be afforded the party against whom relief is
5 sought. No response is required under this rule unless the
6 court ~~orders an answer to a motion~~ directs otherwise.
- 7 ~~(b) SERVICE.~~ The motion shall be served in the manner
8 provided for service of a summons and complaint by
9 Rule 7004, ~~and, unless the court otherwise directs,~~ Any
10 paper served after the motion shall be served in the manner
11 provided by Rule 5(b) F.R. Civ.P.

12 (c) APPLICATION OF PART VII RULES. Unless the
13 court directs otherwise, the following rules shall apply: 7009,
14 7017, 7021, 7025, 7026, 7028-7037, 7041, 7042, 7052, 7054-
15 7056, 7062, 7064, 7069, and 7071. An entity that desires to
16 perpetuate testimony may proceed in the same manner as
17 provided in Rule 7027 for the taking of a deposition before an
18 adversary proceeding. The court may at any stage in a
19 particular matter direct that one or more of the other rules in
20 Part VII shall apply. The court shall give the parties notice of
21 any order issued under this paragraph to afford them a
22 reasonable opportunity to comply with the procedures
23 prescribed by the order. ~~An entity that desires to perpetuate~~
24 ~~testimony may proceed in the same manner as provided in~~
25 ~~Rule 7027 for the taking of a deposition before an adversary~~
26 ~~proceeding. The clerk shall give notice to the parties of the~~
27 ~~entry of any order directing that additional rules of Part VII~~

18 FEDERAL RULES OF BANKRUPTCY PROCEDURE

28 ~~are applicable or that certain of the rules of Part VII are not~~
29 ~~applicable. The notice shall be given within such time as is~~
30 ~~necessary to afford the parties a reasonable opportunity to~~
31 ~~comply with the procedures made applicable by the order.~~

32 (d) TESTIMONY OF WITNESSES. Testimony of
33 witnesses with respect to disputed factual issues shall be taken
34 under Rule 43(a) F.R. Civ.P. in the same manner as testimony
35 is taken at a trial in an adversary proceeding.

36 (e) ATTENDANCE OF WITNESSES. The court shall
37 provide procedures that enable parties to ascertain at a
38 reasonable time before any scheduled hearing whether the
39 hearing will be an evidentiary hearing at which witnesses may
40 testify.

 COMMITTEE NOTE

 The list of Part VII rules that are applicable in a contested matter is extended to include Rule 7009 on pleading special matters, and Rule 7017 on real parties in interest, infants and incompetent persons,

and capacity. The discovery rules made applicable in adversary proceedings apply in contested matters unless the court directs otherwise.

Subdivision (b) is amended to permit parties to serve papers, other than the original motion, in the manner provided in Rule 5(b) F.R. Civ. P. When the court requires a response to the motion, this amendment will permit service of the response in the same manner as an answer is served in an adversary proceeding.

Subdivision (d) is added to clarify that if the motion cannot be decided without resolving a disputed material issue of fact, an evidentiary hearing must be held at which testimony of witnesses is taken in the same manner as testimony is taken at a trial in an adversary proceeding or at a trial in a district court civil case. Rule 43(a), rather than Rule 43(e), F.R. Civ. P. would govern the evidentiary hearing on the factual dispute. Under Rule 9017, the Federal Rules of Evidence also apply in a contested matter.

Subdivision (e). Local procedures for hearings and other court appearances in a contested matter vary from district to district. In some bankruptcy courts, an evidentiary hearing at which witnesses may testify usually is held at the first court appearance in the contested matter. In other courts, it is customary for the court to delay the evidentiary hearing on disputed factual issues until some time after the initial hearing date. In order to avoid unnecessary expense and inconvenience, it is important for attorneys to know whether they should bring witnesses to a court appearance. The purpose of the final sentence of this rule is to require that the court provide a mechanism that will enable attorneys to know at a reasonable time

before a scheduled hearing whether it will be necessary for witnesses to appear in court on that particular date.

Other amendments to this rule are stylistic.

Rule 9027. Removal

1 (a) NOTICE OF REMOVAL.

2 * * * * *

3 (3) *Time for Filing; Civil Action Initiated after*
 4 *Commencement of the Case under the Code. If a case*
 5 *under the Code is pending when a claim or cause of*
 6 *action is asserted in another court, If a claim or cause of*
 7 *action is asserted in another court after the*
 8 *commencement of a case under the Code, a notice of*
 9 *removal may be filed with the clerk only within the*
 10 *shorter of (A) 30 days after receipt, through service or*
 11 *otherwise, of a copy of the initial pleading setting forth*
 12 *the claim or cause of action sought to be removed, or (B)*

13 30 days after receipt of the summons if the initial pleading
14 has been filed with the court but not served with the
15 summons.

16 * * * * *

COMMITTEE NOTE

Subdivision (a)(3) is amended to clarify that if a claim or cause of action is initiated after the commencement of a bankruptcy case, the time limits for filing a notice of removal of the claim or cause of action apply whether the case is still pending or has been suspended, dismissed, or closed.

FORM B1		United States Bankruptcy Court District of _____		Voluntary Petition																								
Name of Debtor (if individual, enter Last, First, Middle):			Name of Joint Debtor (Spouse) (Last, First, Middle):																									
All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):			All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names):																									
Soc. Sec./Tax I.D. No. (if more than one, state all):			Soc. Sec./Tax I.D. No. (if more than one, state all):																									
Street Address of Debtor (No. & Street, City, State & Zip Code):			Street Address of Joint Debtor (No. & Street, City, State & Zip Code):																									
County of Residence or of the Principal Place of Business:			County of Residence or of the Principal Place of Business:																									
Mailing Address of Debtor (if different from street address):			Mailing Address of Joint Debtor (if different from street address):																									
Location of Principal Assets of Business Debtor (if different from street address above):																												
Information Regarding the Debtor (Check the Applicable Boxes)																												
Venue (Check any applicable box) <input type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.																												
Type of Debtor (Check all boxes that apply) <input type="checkbox"/> Individual(s) <input type="checkbox"/> Railroad <input type="checkbox"/> Corporation <input type="checkbox"/> Stockbroker <input type="checkbox"/> Partnership <input type="checkbox"/> Commodity Broker <input type="checkbox"/> Other _____			Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box) <input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input type="checkbox"/> Chapter 13 <input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding																									
Nature of Debts (Check one box) <input type="checkbox"/> Consumer/Non-Business <input type="checkbox"/> Business			Filing Fee (Check one box) <input type="checkbox"/> Full Filing Fee attached <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.																									
Chapter 11 Small Business (Check all boxes that apply) <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101 <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)																												
Statistical/Administrative Information (Estimates only) <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors. <input type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.																												
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Estimated Number of Creditors</td> <td style="text-align: center;">1-15</td> <td style="text-align: center;">16-49</td> <td style="text-align: center;">50-99</td> <td style="text-align: center;">100-199</td> <td style="text-align: center;">200-999</td> <td style="text-align: center;">1000-over</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>						Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>									
Estimated Number of Creditors	1-15	16-49	50-99	100-199	200-999	1000-over																						
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																						
<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="7" style="text-align: center;">Estimated Assets</td> </tr> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>						Estimated Assets							\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Assets																												
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million																					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																					
<table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="7" style="text-align: center;">Estimated Debts</td> </tr> <tr> <td style="text-align: center;">\$0 to \$50,000</td> <td style="text-align: center;">\$50,001 to \$100,000</td> <td style="text-align: center;">\$100,001 to \$500,000</td> <td style="text-align: center;">\$500,001 to \$1 million</td> <td style="text-align: center;">\$1,000,001 to \$10 million</td> <td style="text-align: center;">\$10,000,001 to \$50 million</td> <td style="text-align: center;">\$50,000,001 to \$100 million</td> <td style="text-align: center;">More than \$100 million</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>						Estimated Debts							\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Estimated Debts																												
\$0 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$500,000	\$500,001 to \$1 million	\$1,000,001 to \$10 million	\$10,000,001 to \$50 million	\$50,000,001 to \$100 million	More than \$100 million																					
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																					
THIS SPACE IS FOR COURT USE ONLY																												

Voluntary Petition*(This page must be completed and filed in every case)*

Name of Debtor(s):

Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)Location
Where Filed:

Case Number:

Date Filed:

Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)

Name of Debtor:

Case Number:

Date Filed:

District:

Relationship:

Judge:

Signatures**Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Debtor

X

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

Signature of Attorney

X

Signature of Attorney for Debtor(s)

Printed Name of Attorney for Debtor(s)

Firm Name

Address

Telephone Number

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

X

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Exhibit A

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

X

Signature of Attorney for Debtor(s)

Date

Exhibit C

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.☐ No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

Printed Name of Bankruptcy Petition Preparer

Social Security Number

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

X

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Exhibit "C"

[If, to the best of the debtor's knowledge, the debtor owns or has possession of property that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety, attach this Exhibit "C" to the petition.]

[Caption as in Form 16B]

Exhibit "C" to Voluntary Petition

1. Identify and briefly describe all real or personal property owned by or in possession of the debtor that, to the best of the debtor's knowledge, poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

.....
.....
.....
.....

2. With respect to each parcel of real property or item of personal property identified in question 1, describe the nature and location of the dangerous condition, whether environmental or otherwise, that poses or is alleged to pose a threat of imminent and identifiable harm to the public health or safety (attach additional sheets if necessary):

.....
.....
.....
.....

COMMITTEE NOTE

Page two of the form has been amended to require the debtor to disclose whether the debtor owns or had possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety. If any such property exists, the debtor must complete and attach Exhibit "C" describing the property, its location, and the potential danger it poses. Exhibit "C" will alert the United States trustee and any person selected as trustee that immediate precautionary action may be necessary.

